



KANSAS DEPARTMENT OF CORRECTIONS

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|  | INTERNAL MANAGEMENT POLICY AND PROCEDURE | SECTION NUMBER 11-123A | PAGE NUMBER 1 of 4 |
| | | SUBJECT: DECISION MAKING: Application of Program Credit Pursuant to K.S.A. 21-6821 | |
| Approved By:  Secretary of Corrections | | Original Date Issued: 08-19-15 Replaces Version Issued: 01-20-16 CURRENT VERSION EFFECTIVE: 04-27-16 | |

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| APPLICABILITY: | <input checked="" type="checkbox"/> ADULT Operations Only | <input type="checkbox"/> JUVENILE Operations Only | <input type="checkbox"/> DEPARTMENT-WIDE |
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POLICY STATEMENT

An offender shall be eligible to earn up to 120 days of Program Credit on the prison portion of his/her sentence for successful completion of programs designated by the Secretary of Corrections. These credits shall be in addition to good time credits awarded pursuant to K.A.R. 44-6-115a.

DEFINITIONS

Composite Sentence: Any sentence formed by the combination of two (2) or more sentences.

Current Program Credit Release Date: The aggregate guidelines term adjusted for good time credits and program credits earned and retained to date.

Earliest Program Credit Release Date: The aggregate guidelines term or sentence less the maximum amount of allowable good time credits and the maximum amount of program credits.

Eligible Program: An educational or treatment program designated by the Secretary that is eligible for the application of program credit pursuant to K.S.A. 2014 Supp. 21-6821.

Program Credit: A pool of credits that serve to decrease the term of actual imprisonment awarded for completion of a program designated by the Secretary. Program credits earned and retained while in prison shall be added to the offender's post release supervision period.

Projected Program Credit Release Date: The earliest program release date adjusted for good time withholdings and forfeitures to date.

PROCEDURES

I. Eligibility Criteria

A. An offender may be eligible for Program Credit if the following criteria are met:

1. The offender is incarcerated only for crimes committed on or after January 1, 2008 and before July 1, 2012, that include only Non-drug Grid level 4 through 10 offenses and Drug Grid level 3 and 4 offenses.
2. The offender is incarcerated only for crimes committed on or after July 1, 2012 that include only Non-drug Grid level 4 through 10 offenses and Drug Grid level 3 through 5 offenses.

3. The offender is incarcerated for a composite sentence consisting of a non-life indeterminate sentence and a determinate sentence that meets the criteria of A.1 or A.2 and is serving the determinate portion of the sentence.
 4. The offender successfully completed a program designated by the Secretary as eligible for Program Credit (Attachment A), any time on or after October 2, 2009, and the completed program fit the offender's risk/need level/profile.
 5. After successfully completing the Sex Offender Treatment Program, offenders managed as sex offenders are eligible for program credit under this policy, except that no credit shall be awarded for completing the Sex Offender Treatment Program.
- B. Except as provided in Section I.B.1. below, if any portion of the offender's composite sentence does not qualify for application of program credits; the offender's entire sentence shall be ineligible for such credits.
1. Offenders serving a composite sentence involving a non-life indeterminate sentence and a determinate sentence for an offense committed while on release that meets the criteria set forth in this policy, upon being paroled to the determinate sentence, attaining conditional release or reaching the maximum sentence expiration date on the indeterminate sentence, may be eligible to earn program credits on the remaining determinate sentence.
- C. Offenders who have 90 days or less to serve to their Earliest Program Credit Release Date at the time of admission to RDU shall not be eligible to earn program credit.
1. Facility programming schedules may not provide programs that meet the offender's risk/need level/profile for offenders who are within three (3) to six (6) months of their earliest Program Credit Release Date at the time of transfer to their receiving facility from RDU. Facilities have discretion to decide if they can provide the appropriate dose in the time available.
- D. If an offender previously eligible to earn program credit becomes ineligible due to the receipt of new sentence information, he or she shall be allowed to retain previously awarded program credit on the portion of the sentence that is eligible to earn program credit.
1. If the offender has not yet completed a program that is eligible for the application of program credit at the time he or she becomes ineligible, the offender's status shall be revised to reflect that he or she is not eligible for program credit, and the offender shall be so advised by his or her assigned unit team counselor.
- E. Offenders who have completed programs while housed out of state on compact or in absentia status may be eligible to earn program credits.
1. The offender must request the program credit in writing and include a copy of the treatment or program discharge summary to the Deputy Secretary of Facilities Management or designee.
 2. Based upon the review of the program, the Deputy Secretary of Facilities Management or designee shall determine whether to award program credit to the offender.
 3. In order to be processed, requests for program credits from the offender must be received no less than 180 days prior to the offender's projected release date on the Kansas sentence.

II. Eligible Programs

- A. Those programs listed in Attachment A qualify for program credits.
- B. The Secretary or designee shall review programs on an annual basis to ensure that programs designated as eligible for program credit remain eligible, and to determine if any other programs should be considered eligible. In the event that a program is designated as eligible, and the designation is to be applied retroactively, all awards of program credit shall comply with the provisions of procedure III. C. 1. below.
- C. Programs shall be offered in the right dose for all risk levels in accordance with IMPP 11-107, or for certain high risk offenders, pursuant to a risk reduction case plan in the facility.
 - 1. A termination code of "completion" must be created in the OMIS Facility Program Experience Record (FPER).

III. Data Entry and Awarding of Program Credit

- A. Within three (3) business days of successful completion of an eligible program, the Contract Provider or the designated facility staff shall update the Facility Program Experience Record (FPER).
- B. The corrections counselors shall be responsible for reviewing the names of offenders listed in the "Inmates in need of Program Credit Award" located under OMIS, KDOC Main Menu option to ensure that Program Credit is applicable.
 - 1. If it is determined that an offender whose name appears on the list is eligible to receive Program Credit, the corrections counselor shall prepare a Program Credit Award and notify the designated staff member(s) responsible for entering the Program Credit.
 - 2. If the counselor believes that an offender whose name appears on the list is not eligible to receive Program Credit, they shall immediately notify their Unit Team Manager.
 - 3. If the unit Team Manager agrees that the offender is not eligible for Program Credit, the Classification Administrator shall be advised.
 - 4. The Classification Administrator shall notify the Department's Classification Manager or designee at Central Office, who will correct information determined to be erroneous.
- C. The designated facility staff shall enter the earned Program Credit in the Offender Management Information System (OMIS) within three (3) business days of notification that an offender has successfully completed a Program Credit eligible program.
 - 1. If upon entering the earned Program Credit, the Projected and Current Program Credit Release Dates are less than five (5) business days from the date the credit is applied, the Projected and Current Program Credit Release Dates shall be computed to be five (5) business days from the date the program credit was applied.
- D. Program Credit earned and subtracted from the prison portion of an offender's sentence shall be added to the offender's post release supervision obligation.
- E. Earned Program Credit will be added to the good time earned pool and will be eligible for forfeiture by the disciplinary administrator in accordance with K.A.R. 44-6-125(e) in the same manner as earned good time credits.
- F. If an offender is unable to earn the full amount of Program Credit due to the length of their sentence, the remaining balance of program credits cannot be earned upon a subsequent admission in regard to the original sentence or a new conviction sentence.

- G. An offender may earn program credit on only one (1) program per Court admission (New Court Commit 010-1010, Probation Violator 010-2010, Probation Violator – New Sentence 010-2020, Parole/Conditional Release Violator – New Sentence 020-1020, Post Release Violator - New Sentence 020-1020 and Paroled to Detainer – Returned with New Sentence 020-1025).

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

K.S.A. 2014 Supp. 21-6821; House Bill 2051 of 2015, Sec. 1
K.A.R. 44-6-108; 44-6-114e; 44-6-115a; 44-6-125(e); 44-6-127
IMPP 11-107

ATTACHMENTS

| Attachment | Title of Attachment | Page Total |
|------------|---------------------------------------|------------|
| A | Programs Eligible for Program Credits | 2 page(s) |

Programs Eligible for Program Credits

Programs designated by the Secretary of Corrections as eligible for Program Credit to be applied according to the risk principle (high dose program to high risk offender, moderate dose to moderate risk, low dose for low risk offender) include:

1. Any approved **substance abuse treatment or cognitive-based curriculum** delivered in any correctional facility of the KDOC;
2. Any **GED readiness class**, provided (a) the offender passes the standardized GED exam and receives a copy of the GED certification; (b) the offender provides a letter of verification that s/he received a passing score on the exam and a certification is forthcoming; or (c) the offender completes the entire GED readiness class (whether or not s/he is able to take or pass the test); and, any academic success/achievement class, whether or not leading to a high school credential (HSD or GED) or college credit, if the offender completes the class; or any **education support program (specific programming developed at the facility to increase successful completion rates in GED readiness classes)**, whether provided through KDOC staff, a KDOC contractor, community provider or volunteer, if it has been approved to be delivered in the facility; any college course for which college credit of one (1) or more hours is awarded with a passing grade as required by the college.
3. Any **vocational program** whether provided through KDOC staff, a KDOC contractor, community provider or volunteer, if it has been approved to be delivered in any facility, including:
 - a. Aramark IN2Work when the offender completes the training
 - b. Manufacturing Skills Certificate
 - c. NCCER Core
 - d. Work Ready
 - e. Garden for Good
4. Any **cognitive behavioral program using the Thinking For a Change** curriculum, high or moderate dose, whether provided through KDOC staff, a KDOC contractor, community provider or volunteer, if it has been approved to be delivered in the facility.
5. Facility-based **risk reduction case planning**, if the offender engages in risk reduction work for no less than four (4) months, with three (3) documented contacts with a unit team counselor or R3 staff per month; with two (2) goals stated in a case plan; and, with two (2) action steps completed per goal and documented that they were done;
6. Any **skills-building pre-release program**, whether provided through KDOC staff, a KDOC contractor, community provider or volunteer, if it has been approved to be delivered in the facility, and includes 40 classroom hours or more.
7. OWDS-based or other approved **job readiness program**, high or moderate dose; or any other job or work release readiness program, whether provided through KDOC staff, a KDOC contractor, community provider or volunteer, if it has been approved to be delivered in the facility.
8. Any **parenting class** approved to be delivered in a correctional facility under the supervision of the Statewide Family Specialist, including Parenting Inside Out or Inside Out Dads;

9. **Work release program** if the offender is employed for six (6) months and sets and completes one (1) financial goal, and receives no RI DRs in the same six (6) month period;
10. **KCI or private industry employment or any specialized employment as approved by the warden**, whether at full market pay or KDOC pay, if the offender completes six (6) months of employment with satisfactory performance; sets and completes one (1) financial goal; and receives no RI DRs in the same six (6) month period;
11. Any **combination of three (3) risk reduction classes or activities**, which have been approved by the warden, in any combination of the following, and if the offender receives no R1 DR in that same six (6) month period:
 - a. Complete a short class (e.g., money management, tenant responsibility, Introduction to Cognitive Tools, etc.);
 - i. If the three (3) pack is satisfied with short classes only, not using b. or c. below, the classes must add up to 20 classroom hours;
 - b. Volunteer led activity for six (6) months (e.g., music group, reading group, religious group, recreational activity), with documentation of satisfactory attendance;
 - c. Work with a mentor for three (3) months, pursuant to an approved mentoring plan, and with contacts done in accordance with the mentoring plan.

Except:

 - i. If an offender is 24 or higher on the latest RDU admission LSIR, unless an updated LSIR was completed specifically for purposes of determining what programming should be provided, s/he is not eligible for credit under this subsection 11.
 - ii. The warden or designee may make an exception on a case-by-case basis for an offender above 24, provided the offender and his/her unit team counselor have a case plan that they are working on together, and the offender's risk/need profile and institutional behavior warrant doing so.
12. KDOC Batterer's Intervention Program
13. Dialectical Behavioral Therapy, provided it is at least 26 weeks in length with groups meeting at least twice per week, and has been approved by the Deputy Secretary of Facilities Management or designee for program credit.